

REMARKS/ARGUMENTS

Claims 1-6 remain pending in the present application. Claims 7 and 8 are canceled. Claims 1-2 and 7-8 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 5-6 and 12 of copending Application No. 11/409,453. Claims 1-2 stand rejected for allegedly being anticipated by Tsukahara et al (WO/2002/004626). Claims 1-8 are rejected for allegedly being obvious over Tsukahara et al (WO/2002/004626) in view of Cardoso De Almeida et al. (WO/1995/022614). The same claims are rejected for allegedly being obvious over Weinstock et al (U.S. Patent 6,747,137) in view of Tsukahara et al. (WO/2000/004626) and Cardoso De Almeida et al. (WO/1995/022614). Each of the rejections will be addressed in the order in which they are raised in the Office Action.

Double Patenting

The double patenting rejection of claims 1 and 2 over claims 5-6 and 12 of copending Application No. 11/409,453 is respectfully traversed. In a September 18, 2007 Office Action in the '453 application, only claims 9-10 and 13 of that application were rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 1-2 of the present application. In response, the rejected claims were canceled. Subsequently, a Notice of Allowance was issued for the '453 application. In the reasons for allowance, the Examiner stated that the provisional obviousness-type double patenting rejection was withdrawn in light of cancellation of the rejected claims.

In light of the withdrawal of the obviousness-type double patenting rejection in the '453 application, claims 1 and 2 of the present application cannot now be rejected on the same basis.

Furthermore, claims 1 and 2 are not obvious in light of the claims of the '453 application. As explained below, the screening methods claimed in these cases are distinct and have non-overlapping functions.

In the '453 application, the method of screening involves either the detection of binding between the GWT1 protein and a candidate compound, or detection of a decreasing amount of transportation of GPI-anchored proteins. In contrast, the methods of the present invention screen for antifungal activity by detecting the amount of GlcN-(acyl)PI that is synthesized by GWT1, as a result of the transfer of an acyl group to GlcN-PI in the GPI biosynthesis pathway. The '453 application does not disclose that the GWT1 enzyme has this activity. Thus, claims 1 and 2 are distinct from claims 5-6 and 12 of the '453 application.

Rejection under 35 U.S.C. § 102(b)

The rejection of the claims over Tsukahara et al (WO/2002/004626) is respectively traversed. Tsukahara et al. teaches a method for screening compounds having fungal cell wall synthesis-inhibitory activity via a binding assay with the GWT1 protein. Tsukahara et al. further teaches a method for screening compounds having fungal cell wall synthesis inhibitory activity by detecting the amount of transport of a GPI-anchored protein to the cell wall in the fungus.

Tsukahara et al. does not teach that the GWT1 enzyme has the activity of synthesizing GlcN-(acyl)PI by transferring an acyl group to GlcN-PI in the GPI biosynthesis pathway. Thus, this reference does not disclose or suggest a method for screening compounds having fungal cell wall synthesis by detecting the synthesis of GlcN-(acyl)PI or selecting a test sample that decreases synthesis of GlcN-(acyl)PI, as set forth in steps (2) and (3) of claim 1. As a result, Tsukahara et al. does not anticipate claims 1 and 2 of the present invention.

Rejection under 35 U.S.C. § 103(a)

The rejection of the claims as obvious over Tsukahara et al (WO/2002/004626), Cardoso De Almeida et al (WO/1995/022614), and Weinstock et al (U.S. patent 6,747,137) are respectively traversed. As described above, the present invention is based at least in part on the observation that GWT1 has the ability to synthesize GlcN-(acyl)PI. As also noted above, Tsukahara fails to teach that GWT1 has this activity. Because the activity of GWT1 was not known, it would not have been obvious to utilize GlcN-(acyl) synthesis to screen antifungal compounds. None of the secondary references address the teaching missing from Tsukahara.

Thus, the combination neither discloses nor suggests the claimed invention. Withdrawal of the rejection is respectfully requested.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at 415-576-0200.

Respectfully submitted,

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